

Amendment No. 3 to SB0439

**Haynes
Signature of Sponsor**

AMEND Senate Bill No 439*

House Bill No. 102

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Title 35, Chapter 50, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 35-50-127. Notwithstanding any provision of law to the contrary, **if** one spouse establishes an inter vivos trust or trust estate to provide periodic income for his or her spouse in the event of spousal survivorship, **and if** the marriage exists continuously for a period of at least ten (10) years immediately preceding actual occurrence of such spousal survivorship, **and if** any person other than the surviving spouse contests the validity of the trust or will or payment of such periodic income, **then** payment of such periodic income to the surviving spouse shall not be disrupted pending the outcome of the contest based solely upon the pendency or existence of judicial proceedings. Furthermore, the trust shall be liable for payment of reasonable legal fees incurred by the surviving spouse as a result of such litigation, unless the trust or will or periodic income is judicially determined to be invalid. This section applies to every trust or decedent's estate existing on or after the effective date of this act.